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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,952	01/26/2004	Hideo Kato	G121-082 US	9310
21706	7590	10/04/2005	EXAMINER	
NOTARO AND MICHALOS 100 DUTCH HILL ROAD SUITE 110 ORANGEBURG, NY 10962-2100			PEACHES, RANDY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/764,952	KATO, HIDEO	
	Examiner	Art Unit	
	Randy Peaches	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1-26-2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.



DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities:

The Applicant references “portable phone”; however, there is no indication in the independent claim of such language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1-2, 4 and 6*** are rejected under 35 U.S.C. 102(b) as being anticipated by Tsugane et al. (U.S. Patent Number 5,657,370).

Regarding ***claim 1***, Tsugane et al. discloses a slide mechanism, see FIGURE 3A-D, to connect the 1st housing (1), which reads on claimed “first member,” and a 2nd housing (2), which reads on claimed “second member,” a formed separately from each other to be slidable in one direction to form a closed state in which the said 1st housing (1) and the said 2nd housing overlap one another, and to form an opened state in which the top face of either member is exposed, said slide mechanism comprising:

- a slider (8), which reads on claimed “hinge device,” provided with a guide groove (7), which reads on claimed “guide member,” on the tip attached to one side of

either the said 1st housing (1) or the said 2nd housing, allowing the said guide groove (7) to expose to be movable forward and backward by being biased slidably in one direction. See column 4 lines 18-37;

- a recessed portion (9) provided on the other member out of the above-described first and second members to receive the guide member of the hinge device at a predetermined slide position. See column 4 lines 38-47; and
- an wiring (11), which reads on claimed "engagement means," to engage to prevent the transmitter and the receiver from separating. See column 4 lines 48-60 and FIGURE 5.

Regarding **claim 2**, according to claim 1, Tsugane et al., further discloses:

- a slider (8), which reads on claimed "hinge device," provided with a guide groove (7), which reads on claimed "guide member," on the tip attached to one side of either the said 1st housing (1) or the said 2nd housing, allowing the said guide groove (7) to expose to be movable forward and backward by being biased slidably in one direction. See column 4 lines 18-37;
- a recessed portion (9) provided on the other member out of the above-described first and second members to receive the guide member of the hinge device at a predetermined slide position. See column 4 lines 38-47; and

- an recessed portion to receive and lock the guide groove at an appropriate position of said guide groove. See column 4 lines 48-60 and FIGURE 4b.

Regarding **claims 4 and 6**, according to **claims 1 and 2**, Tsugane et al. discloses a cellular portable radiotelephone, which reads on claimed "portable phone," comprising:

- a box of a transmitter composing a first member and a box of a receiver composing a second member separately. See column 2 lines 16-25;
- wherein said cellular portable radiotelephone forms a closed state covering the top face of said transmitter with said receiver, and an opened state of sliding said receiver in one direction from said transmitter to expose the top face thereof by connecting the transmitter and the receiver slidably to each other via the slide mechanism. See FIGURE 3a-d and FIGURE 4a-c.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 3, 5 and 7-9*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (U.S. Patent Number 5,657,370) in view of Hansen et al. (U.S. Patent Number 6,370,362 B1).

Regarding **claims 3, 5, 7 and 9**, according to **claims 2, 4, 6 and 8**. Tsugane et al., further discloses:

- a slider (8), which reads on claimed "hinge device," provided with a guide groove (7), which reads on claimed "guide member," on the tip attached to one side of either the said 1st housing (1) or the said 2nd housing, allowing the said guide groove (7) to expose to be movable forward and backward by being biased slidably in one direction. See column 4 lines 18-37;
- a recessed portion (9) provided on the other member out of the above-described first and second members to receive the guide member of the hinge device at a predetermined slide position. See column 4 lines 38-47; and
- a recessed portion to receive and lock the guide groove at an appropriate position of said guide groove. See column 4 lines 48-60 and FIGURE 4b..
- Additionally, Tsugane et al. teaches in FIGURE 4B wherein the said housing is pivotally displaced allowing the said housing to angle toward the user.

However, Tsugane et al. fails to clearly disclose wherein the said guide groove is disposed in a bent state so that the second member forms an obtuse angle with the first member when the first member and the second member are in an opened state.

Hansen et al. discloses in column 1 lines 30-40 wherein the sliding rails, which reads on claimed "guide groove," is slightly curved, which reads on claimed "bent," substantially the entire length of the said rails.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Tsugane et al. to include Hansen et al. in order to

provide a slide mechanism that is slightly curved to contour the user's body when the device in use.

Regarding **claim 8**, according to **claim 3**, Tsugane et al. discloses a cellular portable radiotelephone, which reads on claimed "portable phone," comprising:

- a box of a transmitter composing a first member and a box of a receiver composing a second member separately. See column 2 lines 16-25;
- wherein said cellular portable radiotelephone forms a closed state covering the top face of said transmitter with said receiver, and an opened state of sliding said receiver in one direction from said transmitter to expose the top face thereof by connecting the transmitter and the receiver slidably to each other via the slide mechanism. See FIGURE 3a-d and FIGURE 4a-c.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
September 20, 2005

Marshe D Banks-Harold
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